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OFFICE OF PETITIONS

In re Application of
Schultz et al.
Application No. 09/776,420
Filed: February 2, 2001
Attorney Dkt No.: 01153.001U3

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 7, 2006, to revive the above-identified application.

This above-identified application became abandoned for failure to file a proper reply to a non-final Office Action mailed January 6, 2006. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 7, 2006. This decision precedes the mailing of a Notice of Abandonment.

This petition is hereby **GRANTED**.

Petitioner submitted a request for a three (3) month extension of time with the instant petition. However, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988) Petitioner's six (6) month maximum extendable period expired on July 7, 2006. Petitioner is ineligible for any extensions of time. Thus, petitioner is entitled to a refund of the \$510.00 submitted to obtain the three month extension of time. Petitioner may request a refund by writing to the Finance Office, Refund Section. A copy of this decision to should accompany any request for refund.

The Office hereby acknowledges the receipt of the amendment submitted with the instant petition.

This application is being forwarded to Technology Center 3600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a prominent initial "C" and a stylized "G" at the end.

Charlema R. Grant

Petitions Attorney

Office of Petitions